

REMARKS

Claims 1-7, 11-18, 21, 23-32 and 36 stand rejected for obviousness under 35 U.S.C. § 103(a) as being unpatentable over Farris, *et al.* (U.S. Patent No. 6,122,357) (hereafter, 'Farris') in view of Velius, *et al.* (U.S. Patent No. 5,594,784) (hereafter, 'Velius'). As will be shown below, neither Farris nor Velius, either alone or in combination, teaches or suggests a method, system, or computer program product for identifying a particular caller as claimed in the present application. Claims 1-7, 11-18, 21, 23-32 and 36 are therefore patentable and should be allowed. Applicants respectfully traverse each rejection individually and request reconsideration of claims 1-7, 11-18, 21, 23-32 and 36.

Claims 1, 12, and 24 stand rejected for obviousness under 35 U.S.C. § 103(a) as being unpatentable over Bates, *et al.* (U.S. Patent No. 6,631,181) (hereafter, 'Bates') in view of Velius. As will be shown below, neither Bates nor Velius, either alone or in combination, teaches or suggests a method, system, or computer program product for identifying a particular caller as claimed in the present application. Claims 1, 12, and 24 are therefore patentable and should be allowed. Applicants respectfully traverse each rejection individually and request reconsideration of claims 1, 12, and 24.

Claims 8, 19, and 22 stand rejected for obviousness under 35 U.S.C. § 103(a) as being unpatentable over Farris in view of Velius further in view of Chan (U.S. Patent No. 6,925,166) (hereafter, 'Chan'). As will be shown below, Farris, Velius, or Chan, either alone or in combination, does not teach or suggest a method or system for identifying a particular caller as claimed in the present application. Claims 8, 19, and 22 are therefore patentable and should be allowed. Applicants respectfully traverse each rejection individually and request reconsideration of claims 8, 19, and 22.

Claims 9 and 20 stand rejected for obviousness under 35 U.S.C. § 103(a) as being unpatentable over Farris in view of Velius further in view of Baker (U.S. Patent No. 5,533,109) (hereafter, 'Baker'). As will be shown below, Farris, Velius, or Baker, either alone or in combination, does not teach or suggest a method or system for identifying a

particular caller as claimed in the present application. Claims 9 and 20 are therefore patentable and should be allowed. Applicants respectfully traverse each rejection individually and request reconsideration of claims 9 and 20.

Claim Amendments

Applicants presently amend independent claims 1, 12, 24, and 36 to include limitations previously contained in dependent claims 3, 14, 26, and 32. Applicants submit that the amendments do not introduce any new matter into the specification and submit that the claims are in condition for allowance.

Claim Rejections – 35 U.S.C. § 103 Over Farris and Velius

Claims 1-7, 11-18, 21, 23-32 and 36 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Farris in view of Velius. The question of whether Applicants' claims are obvious or not is examined in light of: (1) the scope and content of the prior art; (2) the differences between the claimed invention and the prior art; (3) the level of ordinary skill in the art; and (4) any relevant secondary considerations, including commercial success, long felt but unsolved needs, and failure of others. *KSR Int'l Co. v. Teleflex Inc.*, No. 04-1350, slip op. at 2 (U.S. April 30, 2007). Although Applicants recognize that such an inquiry is an expansive and flexible one, the Office Action must nevertheless demonstrate a prima facie case of obviousness to reject Applicants' claims for obviousness under 35 U.S.C. § 103(a). *In re Khan*, 441 F.3d 977, 985-86 (Fed. Cir. 2006). As shown below in more detail, the proposed combination of Farris and Velius cannot establish a prima facie case of obviousness because the proposed combination does not teach or suggest each and every element of the claims of the present application.

The Proposed Combination Of Farris And Velius Does Not Teach Or Suggest Each And Every Element Of Applicants' Claims

To establish a prima facie case of obviousness under 35 U.S.C. § 103 the reference must teach or suggest all of Applicants' claim limitations. *In re Royka*, 490 F.2d 981, 985, 180

USPQ 580, 583 (CCPA 1974). Independent claim 1 of the present application, as amended, recites:

1. A method for identifying a particular caller, said method comprising:

detecting a voice utterance at an origin device, the origin device further comprising a telephony device utilized for origination of a call;

identifying a caller identity associated with said voice utterance at said origin device, such that said caller identity is transmittable as an authenticated identity of said caller for a call; and

prompting said caller to enter an additional biometric input to verify said caller identity, wherein said biometric input comprises at least one from among an eye print, a finger print, and a body heat scan.

**Farris Neither Discloses Nor Suggests Prompting
Said Caller To Enter An Additional Biometric
Input To Verify Said Caller Identity, Wherein
Said Biometric Input Comprises At Least One
From Among An Eye Print, A Finger Print,
And A Body Heat Scan**

Claim 1 in the present application has been amended to include limitations previously found in claims 3 and 32 of Applicants' original specification. In rejecting claims 3 and 32 of Applicants' original specification, the Office Action takes the position that Farris at column 35, lines 18-27 and lines 41-45, and column 19, lines 32-46, discloses the limitations recited in third element of claim 1 as amended: prompting said caller to enter an additional biometric input to verify said caller identity, wherein said biometric input comprises at least one from among an eye print, a finger print, and a body heat scan.

Applicants respectfully note in response, however, that what Farris at column 35, lines 18-27, in fact discloses is:

This substitution is accomplished. In this case, the profile for child A contains data information which indicates that child A is permitted to accept a call from child C but that child C is required to authenticate herself. The IP is apprised of this requirement and uses another prompt to the calling party to identify herself. This may be a prompt such as "Who is calling?". A template for the voice of child C is maintained in the IP. This template is now used by the IP to verify that the caller is in fact child C. Child C has now been identified and authenticated as the calling party.

And what Farris at column 35, lines 41-45, in fact discloses, is:

If the initial authentication of the calling party fails, i.e., if the caller states her name to be that of child C but the voice verification fails to confirm a match, the calling party may be permitted one or more additional attempts. If these fail, the invention comprehends a plurality of consequential handling steps.

And what Farris at column 19, lines 32-46, in fact discloses, is:

In this case, the instruction causes the IP 23 to provide a prompt message over the connection to the caller (step S10). Here, the signal to the caller may be a standard dial tone or any other appropriate audio signal. Preferably, the instruction from the SCP 19 causes the IP 23 to provide an audio announcement prompting the caller to speak personal information. In one preferred example, in step S10 the IP plays an audio prompt message asking the caller, 'Please say your full name'. The process may ask for any appropriate identifying information.

The signal received by the IP 23 goes over the lines and through the central office switch(es) for presentation via the off-hook telephone 1.sub.A to the calling party. In response, the caller will speak identifying information into their off-hook telephone, and the network will transport the audio signal to the IP 23 (step S11).

That is, Farris at column 35, lines 18-27, discloses identifying and authenticating a caller. Farris at column 35, lines 41-45, discloses providing the calling party with an additional attempt at voice verification when the first voice verification attempt fails. Farris at column 19, lines 32-46, discloses prompting the caller to speak personal information. Neither at the reference points cited in the Office Action, nor anywhere else is Farris,

does Farris disclose prompting said caller to enter an additional biometric input to verify said caller identity, wherein said biometric input comprises at least one from among an eye print, a finger print, and a body heat scan as claimed in the present application because Farris does not disclose prompting a caller to enter the additional biometric input claimed here. The additional biometric input that a caller is prompted to enter, as claimed in the present application, is biometric input that comprises at least one from among an eye print, a finger print, and a body heat scan. Farris merely discloses voice input as the only form of biometric input data that a user must provide. Farris makes no disclosure whatsoever regarding an eye print, a finger print, or a body heat scan as recited in the present application. In fact, the terms “eye print,” “finger print,” and “body heat scan” are not found anywhere in Farris – not even once. Because Farris does not disclose prompting a user to enter additional biometric input as claimed here, Farris cannot possibly disclose prompting said caller to enter an additional biometric input to verify said caller identity, wherein said biometric input comprises at least one from among an eye print, a finger print, and a body heat scan. The Office Action therefore cannot establish a prima facie case of obviousness. The rejection of claim 1 should be withdrawn and the claim should be allowed.

**The Proposed Combination Of Farris And Velius
Does Not Teach Or Suggest Each and Every
Element Of Claim 36 Of The Present Application**

The Office Action takes the position claim 36 is rejected for the same reasons as discussed above with respect to claims 1, 5, and 6. Claim 1 is patentable for the reasons explained above. Claim 36 is therefore patentable for the same reasons that claim 1 is patentable under 35 U.S.C. § 103. Because the proposed combination of Farris and Velius does not teach or suggest each and every element and limitation of Applicants' claim, the Office Action therefore cannot establish a prima facie case of obviousness. The rejection of claim 36 should be withdrawn and the claim should be allowed.

Relations Among Claims

Independent claim 1 claims method aspects of identifying a particular caller according to embodiments of the present invention. Independent claims 12 and 24 respectively claim system and computer program product aspects of identifying a particular caller according to embodiments of the present invention. Claim 1 is allowable for the reasons set forth above. Claims 12 and 24 are allowable because claim 1 is allowable. The rejections of claims 12 and 24 therefore should be withdrawn, and claims 12 and 24 should be allowed.

Claims 2, 4-7, 11, 13, 15-18, 21, 23, 25, 27-30 depend from independent claims 1, 12, and 24. Each dependent claim includes all of the limitations of the independent claim from which it depends. Because the combination of Farris and Velius does not disclose or suggest each and every element of the independent claims, so also the combination of Farris and Velius cannot possibly disclose or suggest each and every element of any dependent claim. The rejections of claims 2, 4-7, 11, 13, 15-18, 21, 23, 25, 27-30 therefore should be withdrawn, and these claims also should be allowed.

Claim Rejections – 35 U.S.C. § 103 Over Bates and Velius

Claims 1, 12, and 24 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Bates in view of Velius. The question of whether Applicants' claims are obvious or not is examined in light of: (1) the scope and content of the prior art; (2) the differences between the claimed invention and the prior art; (3) the level of ordinary skill in the art; and (4) any relevant secondary considerations, including commercial success, long felt but unsolved needs, and failure of others. *KSR Int'l Co. v. Teleflex Inc.*, No. 04-1350, slip op. at 2 (U.S. April 30, 2007). Although Applicants recognize that such an inquiry is an expansive and flexible one, the Office Action must nevertheless demonstrate a prima facie case of obviousness to reject Applicants' claims for obviousness under 35 U.S.C. § 103(a). *In re Khan*, 441 F.3d 977, 985-86 (Fed. Cir. 2006). As shown below in more detail, the proposed combination of Bates and Velius cannot establish a prima facie case

of obviousness because the proposed combination does not teach or suggest each and every element of the claims of the present application.

**The Proposed Combination Of Bates And Velius
Does Not Teach Or Suggest Each And Every
Element Of Applicants' Claims**

To establish a prima facie case of obviousness under 35 U.S.C. § 103 the reference must teach or suggest all of Applicants' claim limitations. *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974). Independent claim 1 of the present application, as amended, recites:

1. A method for identifying a particular caller, said method comprising:

detecting a voice utterance at an origin device, the origin device further comprising a telephony device utilized for origination of a call;

identifying a caller identity associated with said voice utterance at said origin device, such that said caller identity is transmittable as an authenticated identity of said caller for a call;

prompting said caller to enter an additional biometric input to verify said caller identity, wherein said biometric input comprises at least one from among an eye print, a finger print, and a body heat scan.

**The Proposed Combination Of Bates And Velius
Neither Discloses Nor Suggests Prompting
Said Caller To Enter An Additional Biometric
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As discussed above, independent claim 1 of the present application has been amended to include limitations previously found in claims 3 and 32 of Applicants' original specification. In rejecting claims 3 and 32 of Applicants' original specification, the Office Action takes the position that Farris at column 35, lines 18-27 and lines 41-45, and column 19, lines 32-46, discloses the limitations recited in third element of claim 1 as amended: prompting said caller to enter an additional biometric input to verify said caller identity, wherein said biometric input comprises at least one from among an eye print, a finger print, and a body heat scan.

The Office Action does not assert that Bates or Velius, either alone or in combination, discloses any of the limitations previously found in claims 3 and 32 of Applicants' original specification – the limitations presently found in claim 1 as amended. In fact, Bates or Velius, either alone or in combination, makes no disclosure whatsoever regarding an eye print, a finger print, or a body heat scan as recited in the present application. The terms “eye print,” “finger print,” and “body heat scan” are not found anywhere in Bates or Velius – not even once. Because the proposed combination of Bates and Velius does not disclose prompting a user to enter additional biometric input as claimed here, the proposed combination of Bates and Velius cannot possibly disclose prompting said caller to enter an additional biometric input to verify said caller identity, wherein said biometric input comprises at least one from among an eye print, a finger print, and a body heat scan. The Office Action therefore cannot establish a prima facie case of obviousness. The rejection of claim 1 should be withdrawn, and the claim should be allowed.

Relations Among Claims

Independent claim 1 claims method aspects of identifying a particular caller according to embodiments of the present invention. Independent claims 12 and 24 respectively claim system and computer program product aspects of identifying a particular caller according to embodiments of the present invention. Claim 1 is allowable for the reasons set forth above. Claims 12 and 24 are allowable because claim 1 is allowable. The rejections of claims 12 and 24 therefore should be withdrawn, and claims 12 and 24 should be allowed.

Claim Rejections – 35 U.S.C. § 103 Over Farris, Velius, And Chan

Claims 8, 19, and 22 stand rejected for obviousness under 35 U.S.C. § 103(a) as being unpatentable over Farris in view of Velius and further in view of Chan. The question of whether Applicants' claims are obvious or not is examined in light of: (1) the scope and content of the prior art; (2) the differences between the claimed invention and the prior art; (3) the level of ordinary skill in the art; and (4) any relevant secondary considerations, including commercial success, long felt but unsolved needs, and failure of others. *KSR Int'l Co. v. Teleflex Inc.*, No. 04-1350, slip op. at 2 (U.S. April 30, 2007). Although Applicants recognize that such an inquiry is an expansive and flexible one, the Office Action must nevertheless demonstrate a prima facie case of obviousness to reject Applicants' claims for obviousness under 35 U.S.C. § 103(a). *In re Khan*, 441 F.3d 977, 985-86 (Fed. Cir. 2006). Dependent claims 8, 19, and 22 depend from independent claims 1 and 12, and include all the limitations of the claims from which they depend. In rejecting dependent claims 8, 19, and 22, the Office Action relies on Farris in view of Velius as teaching or suggesting each and every element of independent claims 1 and 12. As shown above, the combination of Farris and Velius in fact does not teach or suggest each and every element of claims 1 and 12. Because the combination of Farris and Velius does not teach or suggest each and every element of independent claims 1 and 12, the combination of Farris, Velius, and Chan cannot possibly teach or suggest each and every element of dependent claims 8, 19, and 22. The proposed combination of Farris, Velius,

and Chan, therefore, cannot be used to establish a prima facie case of obviousness, and the rejections 35 U.S.C. § 103(a) should be withdrawn.

Claim Rejections – 35 U.S.C. § 103 Over Farris, Velius, And Chan

Claims 9 and 20 stand rejected for obviousness under 35 U.S.C. § 103(a) as being unpatentable over Farris in view of Velius and further in view of Baker. The question of whether Applicants' claims are obvious or not is examined in light of: (1) the scope and content of the prior art; (2) the differences between the claimed invention and the prior art; (3) the level of ordinary skill in the art; and (4) any relevant secondary considerations, including commercial success, long felt but unsolved needs, and failure of others. *KSR Int'l Co. v. Teleflex Inc.*, No. 04-1350, slip op. at 2 (U.S. April 30, 2007). Although Applicants recognize that such an inquiry is an expansive and flexible one, the Office Action must nevertheless demonstrate a prima facie case of obviousness to reject Applicants' claims for obviousness under 35 U.S.C. § 103(a). *In re Khan*, 441 F.3d 977, 985-86 (Fed. Cir. 2006). Dependent claims 9 and 20 depend from independent claims 1 and 12, and include all the limitations of the claims from which they depend. In rejecting dependent claims 9 and 20, the Office Action relies on Farris in view of Velius as teaching or suggesting each and every element of independent claims 1 and 12. As shown above, the combination of Farris and Velius in fact does not teach or suggest each and every element of claims 1 and 12. Because the combination of Farris and Velius does not teach or suggest each and every element of independent claims 1 and 12, the combination of Farris, Velius, and Baker cannot possibly teach or suggest each and every element of dependent claims 9 and 20. The proposed combination of Farris, Velius, and Baker, therefore, cannot be used to establish a prima facie case of obviousness, and the rejections 35 U.S.C. § 103(a) should be withdrawn.

Conclusion

Claims 1-7, 11-18, 21, 23-30 and 36 stand rejected for obviousness under 35 U.S.C. § 103(a) as being unpatentable over Farris in view of Velius. As shown above, neither Farris nor Velius, either alone or in combination, teaches or suggests a method, system, or

computer program product for identifying a particular caller as claimed in the present application. Claims 1-7, 11-18, 21, 23-30 and 36 are therefore patentable and should be allowed. Applicants respectfully request reconsideration of claims 1-7, 11-18, 21, 23-30 and 36.

Claims 1, 12, and 24 stand rejected for obviousness under 35 U.S.C. § 103(a) as being unpatentable over Bates in view of Velius. As shown above, neither Bates nor Velius, either alone or in combination, teaches or suggests a method, system, or computer program product for identifying a particular caller as claimed in the present application. Claims 1, 12, and 24 are therefore patentable and should be allowed. Applicants respectfully request reconsideration of claims 1, 12, and 24.

Claims 8, 19, and 22 stand rejected for obviousness under 35 U.S.C. § 103(a) as being unpatentable over Farris in view of Velius further in view of Chan. As shown above, Farris, Velius, or Chan, either alone or in combination, does not teach or suggest a method, system, or computer program product for identifying a particular caller as claimed in the present application. Claims 8, 19, and 22 are therefore patentable and should be allowed. Applicants respectfully request reconsideration of claims 8, 19, and 22.

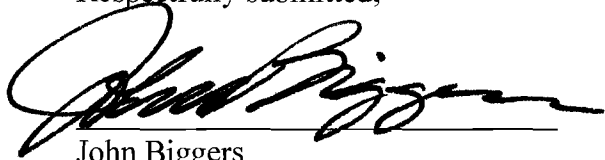
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The Commissioner is hereby authorized to charge or credit Deposit Account No. 09-0447
for any fees required or overpaid.

Respectfully submitted,

Date: February 14, 2008

By:

A handwritten signature in black ink, appearing to read "John Biggers", written over a horizontal line.

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